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RICHARD W. WIEKING
CLERK
U.S. DISTRICT COURT
NO. DIST. OF CA. S.J.

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Royal F. Oakes (080480), ro[illegible]s@ba[illegible]l.com
Michael A. S. Newman (205[illegible]), [illegible]wman@barwol.com
BARGER & WOLEN LLP
633 West Fifth Street, 47th Floor
Los Angeles, California 90071
Telephone: (213) 680-2800
Facsimile: (213) 614-7399

Attorneys for Defendant
Metropolitan Life Insurance Company

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

C07 04867

C/HRL

LADONNA GEDECKE, Plaintiff, vs. METROPOLITAN LIFE INSURANCE COMPANY, and DOES 1 through 10, inclusive, Defendants.	CASE NO.: NOTICE OF REMOVAL; DECLARATION OF MICHAEL A. S. NEWMAN Complaint Filed: June 13, 2007

TO THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA:

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. Section 1446, Defendant Metropolitan Life Insurance Company ("MetLife") hereby removes Case No. 107CV-087783 from the Superior Court of the State of California, County of Santa Clara to this Court. Removal of this action is proper for the following reasons.

1. MetLife is a non-fictitiously named defendant in the civil action filed on or about June 13, 2007, in the Superior Court of the State of California, County of Santa Clara, entitled "LaDonna Gedecke, Plaintiff v. Metropolitan Life Insurance Company, and Does 1 through 10, inclusive, Defendants," Case No. 107CV-087783. A true and correct copy of the Complaint is attached as Exhibit "A," to the Declaration of Michael A. S. Newman ("Newman Decl.").[1]

TIMELINESS

2. The first date upon which MetLife received a copy through service of the Complaint and other documents in this case was August 22, 2007, when Plaintiff LaDonna Gedecke ("Plaintiff") served MetLife.

3. This removal is timely under 28 U.S.C. Section 1446(b), in that removal is sought within thirty days after service of the Summons and Complaint, which was the initial receipt by MetLife of a copy of the initial pleadings in this action.

[1] The Newman Declaration appears at the end of this document.

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DIVERSITY JURISDICTION

4. This case is a civil action for which this Court has jurisdiction under the provisions of 28 U.S.C. Section 1332, and is one that may be removed to this Court by MetLife pursuant to provisions of 28 U.S.C. Section 1441(b), in that it is a civil action between citizens of different states, and the matter in controversy exceeds the sum of $75,000.00, exclusive of interest and costs, as set forth more fully below.

5. Plaintiff alleges that, at all relevant times, she was a resident of County of Santa Clara, California (Exhibit "A," ¶ 1), and that she was employed by the State of California (at the State Compensation Insurance Fund) from 1972 to 1981 and from 1983 to the present. (Exhibit "A," ¶ 6.) She is suing based on the denial of policy benefits under a group disability plan issued by MetLife to the State of California. Plaintiff is a resident and citizen of the State of California (Exhibit "A," ¶¶ 1, 6.).

6. A corporation is deemed to be a citizen of any State by which it has been incorporated and of the State where it has its principal place of business. *United Computer Systems, Inc. v. AT&T Corp.*, 298 F. 3d 756, 763 (9th Cir. 2002). MetLife is a corporation organized and existing under the laws of the State of New York, having its principal place of business therein. (Newman Decl."), ¶ 3, Exh. "B".) Plaintiff further admits that MetLife is "domiciled" in the State of New York. (Complaint, ¶ 2.) MetLife's principal place of business is also New York. A corporation has only one principal place of business. *See* 28 U.S.C. Section 1332(c)(1); *see also United Computer Systems, Inc. v. AT&T Corp.*, 298 F. 3d 756, 763 (9th Cir. 2002). The principal place of business as the state where a "substantial predominance" of corporate activity takes place, ***or*** where the majority of its executive and administrative functions are performed. *United Computer Systems, Inc., supra* at 763. That both the substantial prominence of MetLife's corporate activity takes place in New York, ***and*** the majority of its executive and administrative functions are performed in New York is beyond question. (Newman Decl., Exh. "B.") At all times pertinent, the

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citizenship status of MetLife as a citizen of the State of New York has remained the same. Accordingly, at the time of the filing of the complaint and the filing of this Notice of Removal, MetLife was and is a citizen of the State of New York. (Newman Decl., Exh. "B".) Furthermore, MetLife's citizenship is attested to in numerous district court opinions. *Vega-Muniz v. Metro. Life Ins. Co.*, 278 F. Supp. 2d 146, 147 (D.P.R. 2003) ("Metlife is a corporation organized and existing under the laws of the State of New York with its principal place of business in New York."); *Morgan v. Metro. Life Ins.* Co., 2003 U.S. Dist. LEXIS 6540, *2 (E.D. La. 2003) ("MetLife is a New York Corporation having its principal place of business in New York."); *Stensrud v. Metlife Investors Ins. Co.*, 29 Employee Benefits Cas. (BNA) 1190, *5 (N.D. Ill. 2002) ("MetLife is a New York corporation with its principal place of business in New York."); *De Dios Cortes v. Metlife, Inc.*, 122 F. Supp. 2d 121, 124 (D. Puerto Rico 2000) ("MetLife is a corporation organized and existing under the laws of the State of New York with its principal place of business in New York.").

7. Based on Paragraphs 4 through 6 above, there is complete diversity of citizenship among Plaintiff and MetLife.

AMOUNT IN CONTROVERSY

8. Defendants are not required to prove in absolute terms that more than $75,000.00 is at issue. Rather, a "defendant must provide evidence establishing that it is 'more likely than not' that the amount in controversy exceeds" $75,000. *Sanchez v. Monumental Life Ins. Co.*, 102 F.3d 398, 403 (9th Cir. 1996). Here, there is no question that the amount in controversy well exceeds $75,000.

9. In her Complaint, Plaintiff purports to seek "benefits due under the LTD policy at the rate of $3,556.80 per month, starting on October 7, 2004, and continuing through the date of judgment" (Complaint, page 5, lines 15-16), an amount in excess of $120,000. In addition, Plaintiff seeks punitive damages and attorneys' fees (Complaint, page 5: lines 21-23). *Conrad v. Hartford*

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Accident & Indem. Co., 994 F. Supp. 1196, 1198 (N.D. Cal. 1998) (finding that special and general damages, attorneys' fees, and punitive damages are included in the calculation of the amount in controversy). Although MetLife denies that it is in fact liable for any part of these amounts, it is beyond question that the amount in controversy exceeds $75,000.

PROCESS

10. Exhibit "A" attached hereto constitutes the entire process and pleadings filed in the state court action.

11. This Notice of Removal is being filed without prejudice to the objections and defenses of MetLife.

12. Written notice of the filing of this Notice of Removal has been given to all adverse parties, and a copy has been filed with the Clerk of the Superior Court of the State of California, County of Santa Clara, in accordance with the provisions of 28 U.S.C. Section 1446(d).

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WHEREFORE, MetLife prays that the above action pending in the Superior Court of California for the County of Santa Clara be removed from that court to this Court.

Dated: September 20, 2007

BARGER & WOLEN LLP

By:

ROYAL F. OAKES
MICHAEL A. S. NEWMAN
Attorneys for Defendant Metropolitan Life Insurance Company

BARGER & WOLEN LLP
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DECLARATION OF MICHAEL A. S. NEWMAN

I, Michael A. S. Newman, declare as follows:

1. I am an attorney licensed to practice in this Court and all the courts in the State of California, and am an associate with Barger & Wolen, LLP, counsel of record for Metropolitan Life Insurance Company ("MetLife"), defendant in this action. I am one of the attorneys with responsibility for the handling of this matter. I have personal knowledge of the matters set forth below, and if necessary could competently testify as to such matters.

2. Attached hereto as Exhibit "A" is a true and correct copy of the Summons and Complaint in the above-referenced action. Attached hereto as Exhibit "B" is a true and correct copy of the relevant portion of MetLife's profile in the 2006 AM Best's Insurance Report, which shows the principal place of business in New York, and that it is incorporated in New York.

I declare under the laws of the State of California and the United States that the foregoing is true and correct.

Executed this 20 day of September 2007, at Los Angeles, California.

MICHAEL A. S. NEWMAN

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LOS ANGELES, CA 90071
(213) 680-2800

8/22/07
11:50

SUM-100

SUMMONS
(CITACION JUDICIAL)

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

JUN 13 07

M. Rosales

NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):
Metropolitan Life Insurance Company, and Does 1 through 10, inclusive

YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):
LADONNA GEDECKE

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.courtinfo.ca.gov/selfhelp/espanol/), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.courtinfo.ca.gov/selfhelp/espanol/) o poniéndose en contacto con la corte o el colegio de abogados locales.

The name and address of the court is:
(El nombre y dirección de la corte es):
SUPERIOR COURT, COUNTY OF SANTA CLARA
191 North First Street
San Jose, California 95113

CASE NUMBER:
(Número del Caso):
107CV-087783

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Charles E. Perkins, (#126942) FLYNN, ROSE & PERKINS
59 N. Santa Cruz Avenue, Suite Q, Los Gatos, CA. 95030 (408) 399-4566

Kiri Torre
Chief Executive Officer/Clerk

DATE: JUN 13 2007
(Fecha)

Clerk, by M. Rosales, Deputy
(Secretario) *(Adjunto)*

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
(Para prueba de entrega de esta citatión use el formulario Proof of Service of Summons, (POS-010)).

[SEAL]

NOTICE TO THE PERSON SERVED: You are served
1. [ ] as an individual defendant.
2. [ ] as the person sued under the fictitious name of *(specify)*:
3. [X] on behalf of *(specify)*: Metropolitan Life Insurance Company
under: [X] CCP 416.10 (corporation) [ ] CCP 416.60 (minor)
[ ] CCP 416.20 (defunct corporation) [ ] CCP 416.70 (conservatee)
[ ] CCP 416.40 (association or partnership) [ ] CCP 416.90 (authorized person)
[ ] other *(specify)*:
4. [X] by personal delivery on *(date)*:

Page 1 of 1

EXHIBIT A

UCS

CHARLES B. PERKINS #126942
FLYNN, ROSE & PERKINS
59 North Santa Cruz Avenue, Suite Q
Los Gatos, California 95030
(408) 399-4566
E-Mail: cbperk@earthlink.net

Attorneys for Plaintiff
LADONNA GEDECKE

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SANTA CLARA

UNLIMITED JURISDICTION

107CV-087783

M. Rosales

LADONNA GEDECKE, Plaintiff, vs. METROPOLITAN LIFE INSURANCE COMPANY, and DOES 1 through 10, inclusive, Defendants.	Case No. ~~107CV077525~~ **COMPLAINT** (Breach of Contract, Breach of the Covenant of Good Faith and Fair Dealing) And DEMAND FOR JURY TRIAL

Plaintiff alleges:

FACTS COMMON TO ALL CAUSES OF ACTION

1. Plaintiff is, and at all times mentioned herein was, a resident of the County of Santa Clara, State of California.

2. Defendant Metropolitan Life Insurance Company (hereinafter referred to as "MetLife") is an insurance company domiciled in the State of New York, and carrying out the business of insurance in the State of California.

3. The amount at issue in this matter is in excess of $50,000.00.

4. The true names and capacities, whether individual, corporate or otherwise of Defendants DOES 1 through 10, inclusive, are unknown to Plaintiff at this time. Plaintiff is

informed and believes and thereon alleges that each of the Defendants designated as a DOE is responsible in some manner for the events and happenings herein referred to, and caused injury and damage proximately thereby to Plaintiff as herein alleged.

5. At all times mentioned herein, each of the Defendants was the agent and employee of each of the remaining Defendants and at all times acted within the purpose and scope of their agency and employment, and each Defendant has ratified and approved the acts of his agent.

6. Plaintiff LaDonna Gedecke became employed by the State of California at the State Compensation Insurance Fund in 1972. That employment continued until 1981 and then resumed in 1983 and continued all times relevant to this complaint.

7. As part of her employee benefit package from State of California Plaintiff became insured under a Long Term Disability policy issued by MetLife to the State of California (hereinafter "LTD Policy.") The LTD Policy provides disability benefits based on the following definition:

> **"Disability" or "Disabled"** means that, due to an Injury or Sickness, you require the regular care and attendance of a Doctor, and:
>
> 1. you are unable to perform each of the material duties of your regular job; and
> 2. after the first 24 months of benefit payments, you must also be unable to perform each of the material duties of any gainful work or service for which you are reasonably qualified, taking into consideration your training, education, experience and past earnings; or
> 3. you, while unable to perform all the duties of your regular job on a full-time basis, are
>   a. performing at least one of the material duties of regular job or any other gainful work or service on a part-time or full-time basis; and
>   b. earning currently at least 20% less per month than your Indexed Basic Monthly Earnings due to that same Injury or Sickness.

8. The State of California is a governmental agency; therefore, claims under the LTD policy are exempt from ERISA.

9. As of 2004, Plaintiff was employed as a District Underwriting Manager for the State Compensation Insurance Fund, earning $5,474.00 per month and supervising 13 employees. She had to spend most of her time sitting at a desk, on a computer or doing paperwork.

10. On or about February 18, 2004, Plaintiff injured her low back. This injury causes symptoms of pain in her low back, buttocks, left thigh and left foot, and also numbness in her

lower extremities. For the first few months after her injury, Plaintiff continued to work at reduced hours pursuant to her physician's recommendations. Her symptoms worsened, and Plaintiff stopped working at her physician's direction as of April 7, 2004. Damage to discs in her lumbar spine has been documented by MRIs, and her complaints of pain and numbness are in an anatomic pattern corresponding to the damaged lumbar discs.

11. As a result of pain and other symptoms caused by her low back condition, Plaintiff became disabled as defined in the LTD Policy, and made a claim for benefits to MetLife.

12. MetLife issued a letter denying Plaintiff's claim dated June 13, 2005.

13. Plaintiff appealed from the denial of her claim.

14. MetLife denied the appeal on September 4, 2005.

15. Plaintiff continued to submit information in support of her claim, and MetLife issued another denial of her claim by letter dated June 1, 2007, despite the fact that she has been found to be totally disabled by the Social Security Administration.

16. In denying Plaintiff's claim, MetLife acted unreasonably by ignoring medical information which supports Plaintiff's claim, and by failing to reasonably investigate the claim. Several physicians who have treated and examined Plaintiff have found that she is unable to perform her own occupation because sitting for more than about fifteen minutes causes an increasing amount of back and leg pain, and her left foot goes numb. MetLife rejected the findings of Plaintiff's treating and examining physicians without ever having her examined by a physician. In connection with the review of her claim performed in 2007, the medical record review applied the standard of whether Plaintiff was disabled from any occupation, without considering the demands of Plaintiff's own occupation. In connection with the 2007 claim denial, MetLife misrepresented the opinion of Plaintiff's treating physician.

17. Plaintiff has remained disabled and entitled to benefits under the terms of the LTD policy. Her benefits are 65% of her pre-disability income of $5472.00 per month, which equals $3556.80 per month.

18. Plaintiff has fully complied with all terms and conditions imposed upon her by the policy of insurance identified herein. As a result of Defendants' unreasonable and wrongful

conduct, Plaintiff was required to retain the services of legal counsel; Plaintiff seeks her reasonable attorneys' fees under Brandt vs. Superior Court.

19. In conscious, wanton and willful disregard of its obligations, duties, representations and promises to Plaintiff, MetLife failed to properly investigate and thereafter effectuate a prompt, fair and equitable settlement of this claim notwithstanding the fact that liability for said claim is clear, and has failed to act in good faith at all times herein in responding to Plaintiff's claim.

FIRST CAUSE OF ACTION
(Breach of Contract)

20. Plaintiff realleges and incorporates herein by reference each and every allegation of paragraphs 1 through 19, inclusive, of this Complaint.

21. Defendants, by denying Plaintiff's claim for disability benefits, have breached the MetLife policy.

22. As a direct and proximate result of said breach of contract by said Defendants, Plaintiff has been injured in a sum representing the benefits due her plus interest thereon.

23. As a further direct and proximate result of said breach of contract by Defendants, Plaintiff has suffered and will continue to suffer consequential damages in an amount to be shown according to proof at trial.

SECOND CAUSE OF ACTION
(Breach of the Duty of Good Faith and Fair Dealing)

24. Plaintiff realleges and incorporates herein by reference each and every allegation of paragraphs 1 through 19 and 21 through 23, inclusive, of this Complaint.

25. In committing the acts and omissions further set forth in this Complaint, MetLife has acted unreasonably, thereby breaching the duty of good faith and fair dealing owed to Plaintiff. Plaintiff contends that among others, the following acts or failure to act by MetLife were unreasonable: It rejected the opinions of plaintiff's treating and examining physicians without having her examined by a physician; it failed to perform a thorough investigation and relied on incomplete medical records; it misrepresented the opinion of plaintiff's treating physician; it performed an "any occupation" review without regard to whether plaintiff was disabled in her own occupation; and, it applied standards not supported by policy language.

26. Plaintiff is informed and believes and thereon alleges that MetLife breached the duty of good faith and fair dealing by committing other acts and omissions of which Plaintiff is presently unaware. Plaintiff will seek leave of this court to amend this Complaint at such time as she discovers the other acts and omissions of said Defendant constituting such breach.

27. As a direct and proximate result of the aforementioned wrongful conduct, Plaintiff has been deprived of timely payment of the sums due her, and has suffered anxiety, worry, mental and emotional distress, and other incidental damages and out-of-pocket expenses causing Plaintiff to suffer general and special damages, in an amount to be proved at trial, but in all events greater than the jurisdictional minimum of this court.

28. Defendants' conduct described herein was done with a conscious disregard for Plaintiff's rights, and with the intent to vex, injure or annoy Plaintiff, such as to constitute oppression, fraud or malice under *California Civil Code §3294*, entitling Plaintiff to punitive and exemplary damages in an amount appropriate to punish or set an example of said Defendants.

WHEREFORE, Plaintiff prays judgment against Defendants, and each of them, as follows:

(1) For the amount of the benefits due under the LTD policy at the rate of $3556.80 per month, starting on October 7, 2004, and continuing through the date of judgment;

(2) For interest on the payments not made, from and after the dates at which such payments should have been made;

(3) For general damages according to proof;

(4) For special damages according to proof;

(5) For punitive and exemplary damages in an amount appropriate to punish or set an example of Defendants;

(6) For prejudgment interest on the damages alleged herein as allowed by law;

(7) For attorneys' fees and costs of suit incurred herein;

/////

/////

/////

(8) For such other and further relief as the Court may deem just and proper.

DATE: June 12, 2007

FLYNN, ROSE & PERKINS

By
CHARLES B. PERKINS
Attorney for Plaintiff
LADONNA GEDECKE

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury.

DATE: June 12, 2007

By
CHARLES B. PERKINS
Attorney for Plaintiff
LADONNA GEDECKE

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):
CHARLES B. PERKINS #126942
FLYNN, ROSE & PERKINS
59 N. Santa Cruz Avenue, Suite Q
Los Gatos, California 95030
TELEPHONE NO.: (408) 399-4566 FAX NO.: (408) 399-6683
ATTORNEY FOR (Name): Plaintiff, LADONNA GEDECKE

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Santa Clara
STREET ADDRESS: 191 North First Street
MAILING ADDRESS:
CITY AND ZIP CODE: San Jose, California 95113
BRANCH NAME:

FOR COURT USE ONLY

(ENDORSED)
FILED
JUN 13 07
KIRI TORRE
CHIEF EXEC. OFFICER/CLERK
SUPERIOR COURT OF CA
COUNTY OF SANTA CLARA
M. Rosales

CASE NAME:
LADONNA GEDECKE v. Metropolitan Life Ins. Co. and Does 1-10, Inc

CIVIL CASE COVER SHEET

- [x] **Unlimited** (Amount demanded exceeds $25,000)
- [ ] **Limited** (Amount demanded is $25,000 or less)

Complex Case Designation
- [ ] Counter
- [ ] Joinder

Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

CASE NUMBER: 107CV-087783

JUDGE:
DEPT:

Items 1–5 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort
- [ ] Auto (22)
- [ ] Uninsured motorist (46)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort
- [ ] Asbestos (04)
- [ ] Product liability (24)
- [ ] Medical malpractice (45)
- [ ] Other PI/PD/WD (23)

Non-PI/PD/WD (Other) Tort
- [ ] Business tort/unfair business practice (07)
- [ ] Civil rights (08)
- [ ] Defamation (13)
- [ ] Fraud (16)
- [ ] Intellectual property (19)
- [ ] Professional negligence (25)
- [ ] Other non-PI/PD/WD tort (35)

Employment
- [ ] Wrongful termination (36)
- [ ] Other employment (15)

Contract
- [ ] Breach of contract/warranty (06)
- [ ] Collections (09)
- [x] Insurance coverage (18)
- [ ] Other contract (37)

Real Property
- [ ] Eminent domain/inverse condemnation (14)
- [ ] Wrongful eviction (33)
- [ ] Other real property (26)

Unlawful Detainer
- [ ] Commercial (31)
- [ ] Residential (32)
- [ ] Drugs (38)

Judicial Review
- [ ] Asset forfeiture (05)
- [ ] Petition re: arbitration award (11)
- [ ] Writ of mandate (02)
- [ ] Other judicial review (39)

Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400–3.403)
- [ ] Antitrust/Trade regulation (03)
- [ ] Construction defect (10)
- [ ] Mass tort (40)
- [ ] Securities litigation (28)
- [ ] Environmental/Toxic tort (30)
- [ ] Insurance coverage claims arising from the above listed provisionally complex case types (41)

Enforcement of Judgment
- [ ] Enforcement of judgment (20)

Miscellaneous Civil Complaint
- [ ] RICO (27)
- [ ] Other complaint (*not specified above*) (42)

Miscellaneous Civil Petition
- [ ] Partnership and corporate governance (21)
- [ ] Other petition (*not specified above*) (43)

2. This case [ ] is [x] is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
   a. [ ] Large number of separately represented parties
   b. [ ] Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
   c. [ ] Substantial amount of documentary evidence
   d. [ ] Large number of witnesses
   e. [ ] Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
   f. [ ] Substantial postjudgment judicial supervision
3. Type of remedies sought (*check all that apply*):
   a. [x] monetary b. [ ] nonmonetary; declaratory or injunctive relief c. [x] punitive
4. Number of causes of action (*specify*):
5. This case [ ] is [x] is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (*You may use form CM-015.*)

Date: June 12, 2007
Charles B. Perkins
(TYPE OR PRINT NAME)
▶ Charles B. Perkins
(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE
- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

Form Adopted for Mandatory Use
Judicial Council of California
CM-010 [Rev. January 1, 2007]

CIVIL CASE COVER SHEET

American LegalNet, Inc.
www.FormsWorkflow.com

Cal. Rules of Court, rules 3.220, 3.400–3.403;
Standards of Judicial Administration, § 19
www.courtinfo.ca.gov

CM-010

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Othe : Filing First Papers

If you are filing a first pape (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the *Civil Case Cover Sheet* contai d on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items through 5 on the sheet. In item 1, you must check one box for the case type that best describes the case. If the case fits both a gene al and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check th box that best indicates the primary cause of action. To assist you in completing the sheet, examples of the cases that belong und each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. You do not need to submit a c er sheet with amended papers. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counse , or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Complex Cases

In complex cases only, pa es must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is comp x under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant m file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that th case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort
- Auto (22)–Personal Inj y/Property Damage/Wrongful D ath
- Uninsured Motorist ( ) *(if the case involves an u insured motorist claim sub ect to arbitration, check is item instead of Auto)*

Other PI/PD/WD (Person Injury/ Property Damage/Wrong l Death) Tort
- Asbestos (04)
  - Asbestos Property Damage
  - Asbestos Persona Injury/ Wrongful Dea
- Product Liability *(not a bestos or toxic/environment)* (24)
- Medical Malpractice ( )
  - Medical Malpract Physicians & urgeons
  - Other Professional Health Care Malpractice
- Other PI/PD/WD (23)
  - Premises Liability .g., slip and fall)
  - Intentional Bodily jury/PD/WD (e.g., assault, andalism)
  - Intentional Inflictio of Emotional Di ess
  - Negligent Inflictio f Emotional Di ess
  - Other PI/PD/WD

Non-PI/PD/WD (Other) T t
- Business Tort/Unfair usiness Practice (07)
- Civil Rights (e.g., disc mination, false arrest) *(not c il harassment)* (08)
- Defamation (e.g., slan er, libel) (13)
- Fraud (16)
- Intellectual Property ( )
- Professional Neglige e (25)
  - Legal Malpractice
  - Other Professiona Malpractice *(not medical o egal)*
- Other Non-PI/PD/W Tort (35)

Employment
- Wrongful Terminatior 36)
- Other Employment ( )

Contract
- Breach of Contract/Warranty (06)
  - Breach of Rental/Lease
    - Contract *(not unlawful detainer or wrongful eviction)*
  - Contract/Warranty Breach–Seller Plaintiff *(not fraud or negligence)*
  - Negligent Breach of Contract/ Warranty
  - Other Breach of Contract/Warranty
- Collections (e.g., money owed, open book accounts) (09)
  - Collection Case–Seller Plaintiff
  - Other Promissory Note/Collections Case
- Insurance Coverage *(not provisionally complex)* (18)
  - Auto Subrogation
  - Other Coverage
- Other Contract (37)
  - Contractual Fraud
  - Other Contract Dispute

Real Property
- Eminent Domain/Inverse Condemnation (14)
- Wrongful Eviction (33)
- Other Real Property (e.g., quiet title) (26)
  - Writ of Possession of Real Property
  - Mortgage Foreclosure
  - Quiet Title
  - Other Real Property *(not eminent domain, landlord/tenant, or foreclosure)*

Unlawful Detainer
- Commercial (31)
- Residential (32)
- Drugs (38) *(if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential)*

Judicial Review
- Asset Forfeiture (05)
- Petition Re: Arbitration Award (11)
- Writ of Mandate (02)
  - Writ–Administrative Mandamus
  - Writ–Mandamus on Limited Court Case Matter
  - Writ–Other Limited Court Case Review
- Other Judicial Review (39)
  - Review of Health Officer Order
  - Notice of Appeal–Labor Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)
- Antitrust/Trade Regulation (03)
- Construction Defect (10)
- Claims Involving Mass Tort (40)
- Securities Litigation (28)
- Environmental/Toxic Tort (30)
- Insurance Coverage Claims *(arising from provisionally complex case type listed above)* (41)

Enforcement of Judgment
- Enforcement of Judgment (20)
  - Abstract of Judgment (Out of County)
  - Confession of Judgment *(non-domestic relations)*
  - Sister State Judgment
  - Administrative Agency Award *(not unpaid taxes)*
  - Petition/Certification of Entry of Judgment on Unpaid Taxes
  - Other Enforcement of Judgment Case

Miscellaneous Civil Complaint
- RICO (27)
- Other Complaint *(not specified above)* (42)
  - Declaratory Relief Only
  - Injunctive Relief Only *(non-harassment)*
  - Mechanics Lien
  - Other Commercial Complaint Case *(non-tort/non-complex)*
  - Other Civil Complaint *(non-tort/non-complex)*

Miscellaneous Civil Petition
- Partnership and Corporate Governance (21)
- Other Petition *(not specified above)* (43)
  - Civil Harassment
  - Workplace Violence
  - Elder/Dependent Adult Abuse
  - Election Contest
  - Petition for Name Change
  - Petition for Relief from Late Claim
  - Other Civil Petition

ATTACHMENT A

CIVIL LAWSUIT NOTICE

CASE NUMBER: 107CV087783

Superior Court of California, County of Santa Clara
191 N. First St, San Jose, CA 95113

READ THIS ENTIRE FORM

PLAINTIFFS (the person(s) suing): Within 60 days after filing the lawsuit, you must serve each defendant with the *Complaint*, *Summons*, an *Alternative Dispute Resolution (ADR) Information Sheet*, and a copy of this *Civil Lawsuit Notice*, and you must file written proof of such service.

DEFENDANTS (the person(s) being sued): **You must do each of the following to protect your rights:**

1. You must file **a written response** to the Complaint, in the clerk's office of the Court, **within 30 days** of the date the *Summons* and *Complaint* were served on you;
2. You must send a copy of your written response to the plaintiff; and
3. You must attend the first Case Management Conference.

Warning: If you do not do these three things, you may automatically lose this case.

RULES AND FORMS: You must follow the California Rules of Court (CRC) and the Santa Clara County Superior Court Local Civil Rules and use proper forms. You can get legal information, view the rules and get forms, free of charge, from the Self-Service Center at 99 Notre Dame Avenue, San Jose (408-882-2900 x-2926), or from:

- State Rules and Judicial Council Forms: www.courtinfo.ca.gov/forms and www.courtinfo.ca.gov/rules
- Local Rules and Forms: www.sccsuperiorcourt.org/civil/rule1toc.htm
- Rose Printing, 49 N. First St., San Jose (408-293-8177)

For other local information, visit the Court's Self-Service website www.scselfservice.org and select "Civil."

CASE MANAGEMENT CONFERENCE (CMC): You must meet with the other parties and discuss the case, in person or by telephone, at least 30 calendar days before the CMC. You must also fill out, file and serve a *Case Management Statement* (Judicial Council form CM-110) at least 15 calendar days before the CMC. You or your attorney must appear at the CMC. You may ask to appear by telephone – see Local Civil Rule 8.

Your Case Management Judge is: Joseph Huber *DEPT:* 8

The first CMC is scheduled as follows: (Completed by Clerk of Court)
Date: OCT 23 2007 *Time:* 1:30 PM *Dept.:* 8

The next CMC is scheduled as follows: (Completed by party if the first CMC was continued or has passed)
Date: ______ *Time:* ______ *Dept.:* ______

ALTERNATIVE DISPUTE RESOLUTION (ADR): If all parties have appeared and filed a completed *ADR Stipulation Form* (local form CV-5008) at least 15 days before the CMC, the Court will cancel the CMC and mail notice of an ADR Status Conference. Visit the Court's website at www.sccsuperiorcourt.org/civil/ADR/ or call the ADR Administrator (408-882-2100 x-2156) for a list of ADR providers and their qualifications, services, and fees.

WARNING: Sanctions may be imposed if you do not follow the California Rules of Court or the Local Rules of Court.

SUPERI)R COURT OF CALIFORNIA, COUNTY OF SANTA CLARA
ALTERNATIVE DISPUTE RESOLUTION
INFORMATION SHEET / CIVIL DIVISION

Many case: an be resolved to the satisfaction of all parties without the necessity of traditional litigation, which can be expen. /e, time consuming, and stressful. The Court finds that it is in the best interests of the parties that they participate ı alternatives to traditional litigation, including arbitration, mediation, neutral evaluation, special masters and · ferees, and settlement conferences. Therefore, all matters shall be referred to an appropriate form of Alternative ispute Resolution (ADR) before they are set for trial, unless there is good cause to dispense with the ADR requi· ment.

What is ADR?

ADR is the eneral term for a wide variety of dispute resolution processes that are alternatives to litigation. Types of ADR proc· ses include mediation, arbitration, neutral evaluation, special masters and referees, and settlement conferenc s, among others forms.

What are the advan ges of choosing ADR instead of litigation?

ADR can h ·e a number of advantages over litigation:

- ADR can s ve time. A dispute can be resolved in a matter of months, or even weeks, while litigation can take years.
- ADR can s. ve money. Attorney's fees, court costs, and expert fees can be reduced or avoided altogether.
- ADR prov es more participation. Parties have more opportunities with ADR to express their interests and concern , instead of focusing exclusively on legal rights.
- ADR prov: es more control and flexibility. Parties can choose the ADR process that is most likely to bring a sati actory resolution to their dispute.
- ADR can r. luce stress. ADR encourages cooperation and communication, while discouraging the adversarial . mosphere of litigation. Surveys of parties who have participated in an ADR process have found mucl greater satisfaction than with parties who have gone through litigation.

What are the main j ·ms of ADR offered by the Court?

- Mediation an informal, confidential process in which a neutral party (the mediator) assists the parties in understandi. g their own interests, the interests of the other parties, and the practical and legal realities they all face. Tl mediator then helps the parties to explore options and arrive at a mutually acceptable resolution c the dispute. The mediator does not decide the dispute. The parties do.
- Mediation ı. ıy be appropriate when:
  - Th· parties want a non-adversary procedure
  - Th. parties have a continuing business or personal relationship
  - Cc :munication problems are interfering with a resolution
  - Th e is an emotional element involved
  - Th parties are interested in an injunction, consent decree, or other form of equitable relief

-over-

Group Affiliation: Metropolitan Life and Affiliated Cos

METROPOLITAN LIFE INSURANCE COMPANY

200 Park Avenue, New York, New York, United States 10166
Exec. Office: One MetLife Plaza, Long Island City, New York, United States 11101
Web: www.metlife.com

Tel: 212-579-2211 **Fax:** 212-578-7298
AMB#: 06704 **NAIC#:** 65978
FEIN#: 13-5581829

BEST'S RATING

Based on our opinion of the consolidated Financial Strength of the life/health members of Metropolitan Life and Affiliated Companies, which operate under a group structure, this group member is assigned a Best's Rating of A+ (Superior). The company is assigned the Financial Size Category of Class XV which is the Financial Size Category of the parent.

RATING RATIONALE

Rating Rationale: The rating of Metropolitan Life Insurance Company (MLIC) and its affiliates is based on the organization's well-established brand name, leading market positions in its core business lines, diverse sources of revenue and earnings, and strong liquidity position. The rating also reflects the overall balance of the organization provided by its, property/casualty, international, reinsurance and financial services subsidiaries. The recent acquisition of Travelers' domestic and international life operations provides the group with the increased distribution and scale necessary to remain an industry leader in its various product lines. The group continues to pursue its strategic focus on the life and annuity markets by expanding both its domestic and international market share through organic growth and strategic acquisitions as well as through on-going operational efficiencies. MLIC manages a diverse investment portfolio which traditionally produces solid contributions to earnings due to the elements contained within its investment portfolio. With the integration of Travelers, the Travelers investment portfolio was rebalanced to the group's standards. Offsetting these strengths is its strict capital management evidenced through its moderate risk adjusted capital position, the increased operating expenses due to the Travelers integration as well as its increased exposure to the international marketplace. In addition, A.M. Best believes MLIC and its affiliates will need to demonstrate its ability to reduce expense ratios and manage operating leverage to levels consistent with pre-acquisition levels, while enhancing profitability and improving return on equity. Lastly, A.M. Best will continue to monitor the group's ability to manage challenges associated with products that are interest rate sensitive as well as products that have equity market exposure.

The company has historically demonstrated strong operating earnings, sales and growth in assets under management. The rating also reflects the group's moderate financial leverage, financial flexibility, solid debt service capacity and a demonstrated ability to access the capital markets on a recurring basis after several years as a public company. In recent years, the group arranged its regulated entities under MetLife, Inc. from previous ownership by MLIC to increase the financial flexibility of its insurance entities, enhance its upstream dividend capacity to the parent holding company and generate a moderate level of statutory gains. With the integration of Travelers, A.M. Best expects MetLife will continue to pursue operating efficiencies and optimize the dividend capacity of its operating subsidiaries while meeting stringent compliance standards. MetLife has taken several steps toward enhancing its financial stability including improvement of asset/liability management practices, reduced allocation to the high-yield markets over the last several years, and the recent sale of several high profile properties. Furthermore, the company has centralized its accounting controls, financial framework initiatives, and continues to overhaul its reinsurance program as an effective way to mitigate risk. The integration of Travelers augmented MetLife's earnings power via increased scale, expanded distribution capabilities and enhanced its market positions in its core life and retirement savings businesses worldwide.

The Group's rapid growth and expansion through acquisitions has had a negative impact on its risk adjusted capital position as measured by A.M. Best. Management continues to pursue alternative methods to increase dividend capacity to its parent from its core operating subsidiaries while creating operational efficiencies. Despite its decline, A.M. Best remains concerned with the group's relatively high leverage position and will be monitoring this closely to ensure MetLife is able to manage this down as projected. A.M. Best will continue to monitor the rate of growth in its annuity product lines in conjunction with its overall level of risk adjusted capitalization, in addition to its ability to continue to manage challenges associated with products that have

EXHIBIT B

equity market exposure and are interest rate sensitive.

Best's Rating: A+ g **Outlook: Stable**

RECENT DEVELOPMENTS

On July 1, 2005, MetLife, Inc. completed the acquisition of Citigroup's Travelers Insurance Company and Travelers Life & Annuity Co. and substantially all of Citigroup's international insurance businesses, which was purchased for approximately $11.8 billion in cash and stock. The transaction encompasses Travelers' U.S. business and its international operations other than Citigroup's life business in Mexico. International operations include joint ventures in Japan, Taiwan and China, and wholly-owned insurance businesses in Argentina, Australia, Belgium, Brazil, Poland and the U.K.

FIVE YEAR RATING HISTORY

Date	Best's Rating
05/05/06	A+ g
07/01/05	A+ g
01/31/05	A+ g
03/31/04	A+ g
11/19/03	A+ g
06/23/03	A+ g
06/21/02	A+ g

KEY FINANCIAL INDICATORS (in thousands of dollars)

Year	Assets	Total Capital Capital Surplus Funds	Condit'l Reserve Funds	Net Premiums Written	Net Invest Income	Net Income
2000	182,529,800	7,210,314	4,726,154	23,610,211	8,845,817	1,043,707
2001	185,581,726	5,370,716	3,657,018	20,021,427	9,042,837	2,777,749
2002	201,005,134	6,986,077	4,726,091	22,374,529	9,121,734	1,462,207
2003	229,125,886	7,977,898	3,883,471	24,854,636	8,837,361	2,168,733
2004	244,236,104	8,804,495	4,244,092	26,845,079	9,405,755	2,648,195
2005	250,355,681	8,639,302	4,049,136	26,335,305	9,878,570	2,155,045
03/2005	249,594,269	9,549,846	4,161,041	6,444,285	2,375,833	766,608
03/2006	267,454,611	9,342,671	3,606,351	6,957,692	2,474,908	436,365

BUSINESS REVIEW

CORPORATE OVERVIEW - Metropolitan Life Insurance Company (MLIC), now in its second century of operation, is part of the largest life insurance group in the nation with respect to total life insurance in force and total admitted assets. MLIC, together with its subsidiaries and affiliates, offers a comprehensive portfolio of individual and group life, annuities, pensions, group non-medical health insurance programs, and property and casualty coverage. These products are provided through the organization's five primary business segments reported on a GAAP basis: Institutional, Individual, Auto & Home, International and Reinsurance. MLIC operates in all fifty states, the District of Columbia, Puerto Rico, the U.S. Virgin Islands and Canada. The overall group has also established operations worldwide with direct writing access to over 35 countries. The group strengthened relationships in Brazil, China and Hong Kong and has refined its international strategy by focusing on emerging, high growth markets where it can achieve competitive returns. These international activities are now conducted predominantly

outside of the lead insurer's operations.

METS unique organization structure continues to evolve from mergers, acquisitions and consolidations evidenced by the recent consolidation of Paragon Life Insurance company into Metropolitan Life Insurance Company on May 1, 2006. A significant consolidation event occurred with the June 30, 2005 acquisition by MetLife, Inc. of the Travelers Life Insurance Company from Citigroup, adding increased scale in the annuity business and providing access to Citigroup's diverse distribution network. On January 31, 2005, MLIC sold its asset management business, SSRM Holdings, Inc. to a third party ending its activities in the Asset Management segment. On October 8, 2004, MetLife, Inc. completed another restack transaction whereby Metropolitan Insurance and Annuity Company and New England Pension and Annuity Company, an indirect subsidiary of MLIC, were merged into Metropolitan Tower Life, a subsidiary of MetLife, Inc. In January 2004, MetLife completed the sale of its operation in Spain, MetLife Iberia, S.A. and its subsidiaries, Seguros Genesis, S.A., and Genesis Seguros Generales, S.A., to Liberty Insurance Group, S.A., a Spanish subsidiary of Liberty Mutual Group. This transaction completed the group's exit from the slow growing insurance marketplace in Spain and Portugal.

In April 2000, Metropolitan Life Insurance Company completed the conversion from a mutual company, owned by its policyholders, to a publicly traded stock company via a full demutualization. The organization simultaneously raised $2.88 billion through an initial public offering of common stock in MetLife, Inc., a holding company created in connection with the reorganization. In addition, approximately $1.006 billion was raised through the issuance of trust preferred securities supported by subordinated debentures issued by MetLife, Inc. and MetLife Capital Trust I. This conversion benefited the company by providing enhanced organizational and financial flexibility associated with public ownership and direct access to the capital markets. In connection with the company's conversion to a stock company, the group aligned itself into the following business segments:

INSTITUTIONAL BUSINESS:

GROUP LIFE AND NON-MEDICAL HEALTH PRODUCTS - MLIC is the leading provider of group life insurance, non-medical health insurance products, including short and long-term disability, long term care and dental insurance and related administrative services, as well as employer-sponsored auto and homeowners insurance and prepaid legal service plans. Its group insurance products are marketed to small, medium and large companies, either as an integrated employee benefits package or as stand-alone product offerings.

Group life products are the leading products in the group insurance portfolio, where MLIC has been an industry leader for many years in terms of product innovation and customer service. The company has over $1.5 trillion in group life insurance in force, which represents an estimated one-fifth share of the U.S. market. The company markets group term, group universal life (GUL) and group variable universal life products (GVUL), accidental death and dismemberment and survivor benefits. MLIC was one of the first companies to offer GUL and GVUL products. Their National Accounts group includes companies with over 25,000 employees and has approximately 11 million covered lives, representing over one-third of the institutional segment revenues. MLIC has achieved organic growth in this area through offering broader coverage and by successfully deepening the relationships and writing additional business from these accounts. In recent years, the company has benefited from some large corporate-owned and bank-owned life insurance (COLI/BOLI) contracts The company has also established a Small Market Strategy to focus activities on the rapidly growing small case market, with products specifically designed and priced for this segment.

MLIC's group dental operation also has a significant market presence and is a leading provider of traditional and preferred provider dental plans, including voluntary (employee-pay-all) plan designs. The company has consistently expanded its provider network of dentists to its current level of approximately 80,000 dentists, a key competitive factor in the managed dental market. The group dental operation's lead product is its PPO, Preferred Dentist Program (PDP). The PDP is a point-of-service managed dental care plan that allows members access to the dentist of their choice, either in or outside of the MetLife provider network. This program is the largest national commercial dental preferred provider plan with over 20 million covered lives. The company has also enhanced their websites, metdental.com, for dentists and mybenefits.com, for employees.

MLIC provides other primary group non-medical health insurance offerings including long-term care and disability products. The company seeks to attain critical mass in higher-growth segments such as long-term care, and established John Hancock, the largest employer-sponsored long-term care program for United States government federal employees and their families. The company is also the largest short-term disability carrier in the industry and the second largest overall disability management provider. The disability business covers more than 8 million employees at 13,000 companies worldwide, with a wide range of short and long-term programs including employer-paid, contributory and voluntary programs on an administrative services only or fully insured basis.

RETIREMENT AND SAVINGS PRODUCTS - Retirement and savings products include bundled administrative and investment services sold to sponsors of small and mid-sized 401(k) and other defined contribution plans. MLIC is also a major writer of general account and separate account group annuities. The company offers a variety of stable value products, such as guaranteed interest contracts (GICs) and separate account contracts for the investment of defined benefit and defined contribution assets. The company also offers alternative GICs, in a separate account structure (MetManaged GIC) The MetManaged GIC combines aspects of active asset management with some traditional features of guaranteed interest contracts. The company's stated plan is to sell retirement income products by leveraging its plan sponsor relationships to respond to the retirement needs of their employees. The Company has also issued approximately $10 billion of global GICs to foreign investors.

The acquisition of Travelers has expanded Retirement and Savings product presence in GICs, Global GICs, Funding Agreements, Payout Annuities and Structured Settlements. General Account assets, attributable to Retirement and Savings, will grow approximately 60% as a result of the acquisition.

INDIVIDUAL: The Group serves the middle-income, affluent and business owner markets with protection and asset accumulation products primarily through its agency and independent distribution groups. Products offered include traditional life, term, universal and variable life, qualified and non-qualified variable and fixed annuities, disability and long-term care insurance, as well as mutual funds.

The agency distribution groups include the Metropolitan Life Insurance Co. and New England Financial career and general agency systems. The independent distribution group includes MetLife Investors, GenAm, Walnut Street Securities and Tower Square Securities. In addition, MetLife Resources offers tax-sheltered annuities to educators, healthcare workers and government employees.

Approximately 12,000 full time agents and advisors sell products through these channels. The company has successfully stabilized its career agent field force through increased focus on training, recruitment and administrative support for its producers. These efforts have generated steadily increasing agent productivity and significantly improved agent retention. The segment is now focused on further improving agent productivity, profitable growth and creating a planning platform for all market segments.

The company has also broadened its distribution of individual life and annuities beyond the career agency force and now markets products through independent agents, financial institutions, independent broker/dealers and third party marketing organizations through a series of acquisitions and startups. In 1997, the group expanded its distribution capabilities with the purchase of Security First Group, Inc. In 2000, MLIC acquired General American Life Insurance Company and in 2001, the group created MetLife Investors. Most recently, MetLife, Inc. acquired Travelers Insurance Company and its principal company, Travelers Life and Annuity Company. Today, this unit sells products through over 100,000 registered representatives affiliated with other institutions. In 2004, independent distribution accounted for over 55% of annuity sales and the proportion is expected to grow significantly with the independent distribution arrangements that were part of the Travelers transaction. While A.M. Best expects the sales activities in these alternate distribution sources to continue to expand and generate an increasing proportion of overall sales, the company is still strongly committed to supporting and improving its core career agency system. The company has also started to utilize customer data to identify potential customers and aid in the process of lead generation for its field force. A.M. Best believes the success of these initiatives will be important to expand the revenue base and grow earnings in the individual business segment.

INTERNATIONAL: The group focuses on emerging insurance markets in Asia/Pacific, Latin America and selected European countries and has made several recent acquisitions to expand its global operations. Additional opportunities exist within late-stage, mid-stage and newly-emerging countries, where successful new ventures have been made in countries such as Mexico and Hong Kong. The group currently operates in approximately twelve countries with representative offices in the Czech Republic and China, with relatively new ventures established in India and Chile. The international strategy is to develop the businesses previously owned and those acquired from Citigroup with an objective of establishing a top-five ranking in each country.

In total, the Mexican and Chilean businesses generate a substantial amount of premium volume for its Latin American operations, representing approximately four-fifths of total sales. In November 2001, MetLife, Inc. entered the Chilean market by acquiring two wholly-owned subsidiaries of Santander Central Hispano. In June 2002, MetLife, Inc. completed its acquisition of Aseguradora Hidalgo, S.A. (Hidalgo), Mexico's largest life insurer, for approximately $950 million or 9.2 billion Mexican pesos. MET had operated in Mexico for over ten years prior to the Hidalgo acquisition, and has an estimated market share of 7% in the Mexican life market. The group gained valuable size through Hidalgo's group and individual life insurance operations, with estimated market share of 34% and 23%, respectively. Hidalgo is the primary provider of group insurance and

individual products through worksite marketing to government employees, which is estimated to represent 800,000 of the company's approximately 2.8 million covered lives. Although this contract expired in 2004, the corresponding earnings from this Federal Group Life contract comprise only about one-tenth of this entity's operating earnings. The integration of Hidalgo, which has become a wholly-owned subsidiary of MetLife, Inc., took over one year to fully integrate into the MetLife profile due to the cost synergies, retention of the Hidalgo name, ongoing revenue enhancement opportunities with quasi-government groups and a prospective expansion into the private employer market through worksite marketing.

REINSURANCE: The group's reinsurance operations consist of MetLife, Inc.'s majority ownership of publicly traded life reinsurer Reinsurance Group of America, Incorporated (RGA Inc.) and its wholly-owned life reinsurance subsidiary, RGA Reinsurance Company (RGA). Although the vast majority of RGA's premiums come from the United States, its operations are globally diverse. RGA also provides asset-based reinsurance and financial reinsurance, with a substantial amount of total life reinsurance in-force. MLIC acquired and maintains an approximate 52% ownership of RGA through its acquisition of GenAmerica Financial Corporation on January 6, 2000, and the aggregate stake includes the previously purchased 4.8 million common shares through a private placement offering. Following RGA Inc.'s issuance of Preferred Income Redeemable Securities (PIERS) in December 2001, the Company announced its intent to purchase up to $125 million in additional shares in the public company to offset any potential dilution of its holdings caused by RGA Inc.'s future exercise of the PIERS. MetLife is developing a reinsurance strategy to overhaul the current reinsurance program. Currently the reinsurance program consists of individual transactions with companies in the individual life segment.

CLOSED BLOCK: In connection with the company's conversion to a public stock company, MLIC established a closed block book of business for the benefit of individual participating policyholders, who receive ongoing dividend payments as part of their respective policies. With approval from New York regulators, the Company constructed the closed block and designated sufficient assets that, along with insurance policy premiums, would generate cash flows to support all future benefit and reasonable dividend payments. These cash flows are expected to be sufficient to pay each policyholder, including the last surviving individual, a commensurate amount of cash flow for policyholder benefits and dividends such that the assets and liabilities run out together over time. These results are reported separately on a GAAP basis. Participating policies represent approximately one-fifth of MLIC's life insurance in-force and approximately three-quarters of the total number of life insurance policies in-force (net of reinsurance). While the company may change its policyholder dividends, A.M. Best expects them to be consistent with the historical trend of prior dividend payments.

In 2000 and 2001, the company entered into various reinsurance arrangements related to its closed block policies with unaffiliated third parties for approximately $32 billion in life insurance reserves under modified coinsurance arrangements. These 10-year contracts effectively ceded 90% of the risk underlying these insurance contracts, with the company retaining approximately 10% of this risk. A.M. Best views favorably the group's control over the investment policy related to these contracts and recognizes the significant amount of risk-based capital relief the company obtains from a regulatory perspective for ceding the underlying asset, insurance, interest rate and reserve risk.

PREMIUM AND RESERVE ANALYSIS

Direct Premiums (000)	2005	2004	2003	2002	2001
Industrial life	52,129	52,725	53,082	58,426	64,228
Ordinary life	4,787,007	4,782,824	4,835,783	4,942,527	5,002,297
Group life	6,991,724	6,481,489	6,057,621	6,401,825	6,874,266
Individual annuities	3,052,284	2,846,970	2,853,919	2,547,756	2,292,470
Group annuities	9,916,893	7,908,331	7,258,180	7,461,406	7,711,993
Individual A&H	419,620	311,759	228,231	192,721	162,277
Group A&H	3,647,456	3,238,835	2,690,013	2,554,055	2,311,914
Other	-6	-5	...	...	...
Total	28,867,107	25,622,928	23,976,829	24,158,717	24,419,445

Reins Assumed Prems (000)	2005	2004	2003	2002	2001
Ordinary life	6,457	29,838	38,076	37,595	45,953
Group life	459,375	395,131	359,691	273,195	238,073
Individual annuities	439,765	5,201,499	5,045,225	2,580,660	1,027,490
Group annuities	255	1,077	377	0	6,949
Individual A&H	131,073	111,835	74,763	81,787	87,082
Group A&H	5,688	6,161	7,319	20,238	46,351
Other	...	98,718	52,938	166,775	...
Total	1,042,613	5,844,259	5,578,388	3,160,250	1,451,898

Reins Ceded Prems (000)	2005	2004	2003	2002	2001
Ordinary life	676,410	674,129	568,697	526,463	4,681,764
Group life	1,015,722	993,305	1,030,506	1,049,816	990,688
Individual annuities	13,411	5,016	...	...	...
Group annuities	459	487	825	1,060	937
Individual A&H	75,759	79,235	80,636	87,510	90,874
Group A&H	58,388	71,234	62,911	66,877	85,652
Other	1,734,266	2,798,702	2,957,005	3,212,712	...
Total	3,574,414	4,622,108	4,700,580	4,944,437	5,849,916

Net Premiums & Deposits (000)	2005	2004	2003	2002	2001
Industrial life	52,129	52,725	53,082	58,426	64,228
Ordinary life	4,145,204	4,169,214	4,340,172	4,492,200	735,749
Group life	6,435,377	5,883,315	5,386,806	5,625,205	6,121,651
Individual annuities	9,400,074	13,588,393	13,148,699	10,085,493	8,215,619
Group annuities	14,379,461	12,896,591	12,615,046	10,238,334	9,470,158
Individual A&H	474,933	344,358	222,357	186,998	158,485
Group A&H	3,594,755	3,173,762	2,634,421	2,507,416	2,272,613
Other	-1,734,272	-2,699,989	-2,904,067	-3,045,937	...
Total	36,747,662	37,408,370	35,496,516	30,148,135	27,038,503
Deposits (incl. above)	10,412,356	10,563,290	10,641,880	7,773,606	7,017,076

General Account Reserve Distribution (000)	2005	2004	2003	2002	2001
Industrial life	2,299,211	2,350,585	2,400,309	2,444,691	2,485,213
Ordinary life	44,917,093	43,753,821	43,277,744	42,371,238	41,208,302
Group life	5,631,300	5,470,858	5,332,679	5,189,911	4,901,053
Supplementary contracts	802,653	769,104	737,562	739,936	705,092
Individual annuities	18,428,223	18,333,996	17,076,904	15,806,291	14,016,349
Group annuities	35,857,958	34,237,855	32,805,782	32,070,023	30,175,202
Deposit type contracts	28,093,922	24,669,611	20,097,054	14,587,170	13,715,154
Individual A&H	1,842,609	1,423,628	1,019,342	962,696	888,314
Group A&H	4,289,222	3,786,870	3,536,865	3,227,906	3,004,672
Total	142,162,192	134,796,328	126,284,241	117,399,862	111,099,352

Current Year Geographic Direct Premium Distribution ($000): New York, $7,591,697 (22.9%); California, $2,487,075 (7.5%); Illinois, $1,550,185 (4.7%); New Jersey, $1,504,646 (4.5%); Texas, $1,393,999 (4.2%); other jurisdictions,

$18,582,532 (56.1%).

EARNINGS

MLIC's statutory earnings have generally improved on a historical basis, with particular improvement seen in the recent years as a result of strengthening in its group annuities business. The operating fundamentals of the company's core businesses have improved over the past five years as additional costs have been removed from its higher-than-average expense infrastructure, providing a strong platform for future profitable growth. The company has implemented a series of initiatives in its individual business segment (individual life and annuities) that have generated productivity enhancements, and vastly improved agent retention. The company has also strategically expanded its presence in the institutional pension arena, through organic growth and strategic acquisitions, both domestically and internationally. As a result of these efforts, the company's reported premium income and operating earnings have generally increased along with consistent positive trends in its asset base, with somewhat unfavorable trends in its separate account asset in recent years due to the volatile equity market conditions and low interest rates that hampered annuity sales.

Historical statutory results by line of business have fluctuated due to a number of factors, including: costs and proceeds associated with the sale of various non-core operations; adverse claims experience in its disability business; expenses related to its demutualization; costs, including severance, associated with restructuring certain operations; and the impact of declining interest rates and problem mortgage and real estate-related investments on its interest sensitive and guaranteed interest contract (GIC) businesses. The company's historical results as a mutual company were also adversely impacted by significant reserving for sales practice claims. Despite the frequency and size of these single-event items, the company has experienced overall improvements in its statutory results due to improved operating fundamentals, particularly with respect to its individual life line of business. The group has produced favorable results overall, offset somewhat by its individual and group annuity segments which have exhibited some volatility in annual sales and performance. The company has also benefited from strong and consistent group life results that reflect favorable mortality experience, strong sales of group term and group variable/universal life product, as well as very strong persistency on existing business. Overall, group life operations have generated between one-quarter and two-thirds of the company's total pre-tax statutory net operating gain over the past five years.

On a GAAP basis, the Group's operating performance in recent years measured in terms of overall profitability, return on assets and return on equity, has also improved steadily. While consolidated operating earnings have improved significantly since demutualization, the group's net income has been somewhat volatile. This is partly due to one-time costs associated with its demutualization including payments to former Canadian policyholders, exiting of certain businesses, and restructuring initiatives. Most recently, the parent company has had to take a number of one-time charges related to prospective settlement of certain actions, including race-conscious underwriting, asbestos, sales practice claims and General American's Medicare administration, which have negatively impacted earnings. MetLife, Inc. also took a $325 million pre-tax charge ($208 million after tax) related to potential claims arising from the September 11 terrorist attacks.

In recent years the group instituted a more disciplined approach to pricing new sales and renewals of its disability products, resulting in improved profitability from 2002 forward offsetting some declines recognized in the late 1990's to early 2000's.

Other recent trends in operating earnings had illustrated declining results related to asset management which was caused primarily by the unfavorable equity markets. Offsetting this trend is improving results in its international group which is attributed to their expansion in emerging markets. The continued success of its restructuring initiatives in the career agency system and renewed revenue growth in its institutional lines have proven to be critical to the company's ability to close the expense gaps associated with its relatively high fixed cost structure, and have strengthened its earning capacity on both a statutory and GAAP basis. Overall, A.M. Best believes the Group's results should continue to show improvements in profitability given the initiatives completed thus far and those underway, in order to achieve the levels of productivity necessary to place the company among the most efficient life insurers. MetLife, Inc. is well-positioned to compete effectively against other insurance focused financial services companies, and expects to see ongoing growth and performance improvements.

PROFITABILITY TESTS

Year	Ben Paid to NPW & Dep	Comm & Exp to NPW & Dep	NOG to Tot Assets	NOG to Tot Rev	Operating Return on Equity	Net Yield	Total Return
2001	92.1	10.1	0.5	2.9	14.1	7.37	8.78
2002	69.5	8.4	1.0	6.2	31.6	6.72	6.14
2003	58.5	8.5	0.7	4.4	20.0	5.77	6.32
2004	58.8	9.0	1.1	7.0	30.2	5.62	5.89
2005	65.9	8.8	0.5	3.8	15.4	5.69	6.44
03/2005	93.8	11.1	0.2	6.6	6.2	1.32	1.39
03/2006	96.7	11.4	0.2	4.9	5.0	1.33	1.33

PROFITABILITY ANALYSIS

Net Operating Gain (000)	2005	2004	2003	2002	2001
Industrial life	22,976	16,818	21,005	25,466	128,987
Ordinary life	-243,283	130,423	95,135	232,528	405,825
Group life	167,340	238,530	182,192	164,639	251,582
Supplementary contracts	163,244	127,714	124,442	83,871	76,508
Individual annuities	31,630	534,048	-14,361	15,997	105,107
Group annuities	470,464	602,984	391,613	486,666	-5,623
Individual A&H	-63,135	-21,772	-3,438	12,311	-15,187
Group A&H	130,571	176,756	145,326	157,233	-59,079
Other	661,787	729,493	553,395	770,663	147
Total	1,341,594	2,534,992	1,495,309	1,949,374	888,268

ACCIDENT & HEALTH STATISTICS

Year	Net Premiums Written	Net Premiums Earned	Loss Ratio	Exp. Ratio	Under-writing Results
2001	2,298,588	2,409,579	90.6	26.3	-387,686
2002	2,690,482	2,689,015	84.7	21.8	-154,385
2003	2,873,974	2,855,757	87.3	22.0	-116,684
2004	3,561,615	3,505,318	84.2	23.8	-172,687
2005	4,110,477	4,078,792	78.1	21.7	-344,052
Current Year Experience:					
Group	3,551,745	3,594,380	77.4	17.8	-167,995
Collectively renew	6	6	170.0	2.3	-4
Non-can	169,617	166,858	78.3	48.6	-46,084
Guaranteed renew	386,665	315,535	85.7	45.1	-129,302
Non-renew, S.R.	2,262	1,837	49.7	76.7	-812
Other accident	12	12	120.2	2.2	-3
Other	170	165	5.7	3.8	149

CAPITALIZATION

The MetLife Group has maintained moderate amounts of financial leverage and good financial flexibility that compare

favorably to its similarly rated peers. During 2005, due to the TL&A acquisition, MetLife increased its financial leverage to roughly 30% -- attributing some equity credit for hybrid securities. A.M. Best expects this level to moderate back to management's 25% target by early 2007.

In recent years, MLIC increased its capital and surplus by limiting dividends to the holding company, issuing capital notes and selling certain higher-risk assets including real estate. These efforts follow the company's aggressive management of its capital in recent years, which resulted in weakened risk adjusted-capitalization caused by approximately $721 million in ordinary dividends paid to the parent, along with approximately $3.1 billion in additional extraordinary dividends, which received approval for payment from New York regulators. MetLife was permitted to pay these dividends after completing intercompany sales of certain undervalued real estate properties at fair market value to Metropolitan Insurance and Annuity Company, a former subsidiary of MetLife. Based upon these dividends, capital and surplus fell by over $2.0 billion, with only a modest benefit derived from adopting codification in 2001. Prior to 2001, the company's capital base had remained virtually unchanged over the prior four years based upon consistent and strong investment income, tempered by fluctuations in operating performance, varying levels of both realized and unrealized capital gains and losses and consistent policyholder dividend payments.

MetLife continues to refine its organizational structure by implementing restacking initiatives to increase the financial flexibility of several of its insurance entities, enhance their upstream dividend capacity to the parent holding company, eliminate non-core, redundant entities and generate a moderate level of statutory gains. Additionally, in 2006 Paragon Life has merged into MLIC. In recent years, Security Equity Life Insurance Company and MetLife Security Insurance Company of Louisiana merged into the parent MetLife, Inc. A.M. Best considers the risk-adjusted capital position of the MetLife group, inclusive of all life insurance entities on a consolidated basis, to measure commensurately with other superior rated companies, attention is also placed on the appropriate level of risk-adjusted capital in each individual subsidiary. However, the collective actions taken by management reinforce MetLife's diverse and substantial financial resources, with a significant amount of available funds remaining at the parent company and within the MetLife organization, albeit outside the insurance company's control.

As a mutual company, MetLife traditionally added to its capital base through the issuance of surplus notes with $700 million issued in 1993 and another $700 million in 1995. Currently, MetLife has approximately $699 million in total surplus notes, following the call and redemption of $700 million in surplus notes in 2003. The remaining outstanding notes also include $148 million issued by New England Life Insurance Co. and $100 million issued by General American Life (GenAm), both of which were assumed by MetLife at the time of their respective company acquisitions. MetLife financed the acquisition of GenAm, as well as the stabilization program to provide liquidity to satisfy GenAm's institutional funding agreement contracts, mainly through the issuance of commercial paper. A.M. Best notes that MetLife currently retains capacity under MetLife Funding's commercial paper program, strong liquidity within its invested asset portfolio, multiple sources of external financing availability and additional liquidity through MetLife's committed credit facilities, providing adequate capacity to satisfy the ongoing liquidity needs of the enterprise.

LEVERAGE TESTS

Year	C&S to Liabilities	Surplus Relief	Reins Leverage	NPW & Dep to Capital	Change in NPW & Dep	Change in Capital
2001	7.1	9.2	76.0	3.0	14.5	-24.4
2002	7.0	7.6	48.6	2.6	11.5	29.7
2003	6.3	5.4	42.9	3.0	17.7	1.3
2004	6.8	5.9	39.1	2.9	5.4	10.0
2005	6.5	4.9	50.8	2.9	-1.8	-2.8
03/2005	6.9	1.1	XX	0.5	-14.3	5.1
03/2006	6.3	1.0	XX	0.5	8.0	2.1

2005 BCAR: 129

SOURCES OF CAPITAL GROWTH
(in thousands of dollars)

Year	Net Gain	Realized Capital Gains	Unrealized Capital Gains	Change AVR	Other Changes	Change in C&S
2001	888,268	1,889,481	-103,203	-535,048	-3,979,097	-1,839,598
2002	1,949,374	-487,167	-308,992	553,490	-91,344	1,615,361
2003	1,495,309	673,424	191,255	635,161	-2,003,329	991,821
2004	2,534,992	113,203	281,920	-518,222	-1,585,295	826,597
2005	1,341,594	813,451	510,852	177,454	-3,008,545	-165,193
03/2005	570,403	196,206	-69,007	XX	XX	XX
03/2006	449,518	-13,153	18,822	XX	XX	XX

CAPITAL TRENDS
(in thousands of dollars)

Year	Year end C&S	Surplus Notes	Stock-holder Divs	Policy-holder Divs	Asset Valuation Reserve	Interest Maintenance Reserve
2001	5,370,716	1,547,665	3,753,786	661,032	3,657,018	330,308
2002	6,986,077	1,547,704	903,900	208,550	4,726,091	724,609
2003	7,977,898	847,830	1,448,100	296,111	3,883,471	783,823
2004	8,804,495	847,830	797,000	265,433	4,244,092	836,872
2005	8,639,302	1,397,830	3,200,000	179,987	4,049,136	560,151
03/2005	9,549,846	XX	...	52,295	4,161,041	793,468
03/2006	9,342,671	XX	...	1,630	3,606,351	442,361

INVESTMENTS AND LIQUIDITY

MLIC's admitted assets are well-diversified and its overall liquidity position is strong. In addition to quality, diversification and optimizing risk adjusted investment income and risk adjusted total return, the Group's investment philosophy requires that a reasonable match exists between the option adjusted characteristics of its assets and cash flow needs of its insurance and investment products. Historically, bonds and mortgage loans have comprised approximately four-fifths of consolidated invested assets, with real estate, policy loans, equity holdings, cash and short-term investments and other assets, including limited partnership interests, comprising the remaining classes. In recent years, the company had shifted more assets from its real estate holdings, common stock and policy loans into bonds, mortgage loans and cash and short-term investments. Fixed-income investments are diversified among publicly traded and privately placed corporate bonds, U.S. Government and municipals, foreign bonds, commercial and residential mortgage-backed securities (MBS) and asset-backed securities (ABS). The company is a significant participant in the private placement bond market, which increased as a percentage of MLIC's portfolio and represents approximately one-fifth of its bond investments. A.M. Best believes these are appropriate investments due to the relatively stable individual life insurance liabilities and the scale of its investment operations. Both the public and private corporate portfolios are highly diversified by economic sector and issuer, with investments typically spread among the industrial, utility and financial sectors. The company has maintained a high quality bond portfolio with over 90% rated investment grade. Met has reversed the buildup in high yield corporate securities as the risk adjusted total return no longer seemed attractive.

Like many of its competitors, MetLife maintains a manageable exposure to mortgage backed securities (MBS) which, despite their relatively high credit quality, can present a higher degree of interest rate risk and cash flow volatility. Historically, MBS have represented approximately one-fifth of the company's consolidated fixed maturities. A majority of the company's MBS portfolio is collateralized mortgage obligations (CMOs), which generally have more stable cash flows. MetLife's conservative asset/liability management practices match MBS with liabilities that have similar durations as well as interest rate and cash flow risks.

MetLife maintains a diversified portfolio of mortgage and equity investments. Mortgage holdings are well diversified by asset type with exposure to both commercial and agricultural loans. Commercial and agricultural loans are distributed geographically and by type of end-use with commercial mortgage exposure to loans made on office, retail, industrial and apartment properties. The company's diverse mortgage holdings generate substantial cash flows, and the portfolio is conservatively managed. MetLife's portfolio diversification in real estate equity and commercial mortgage and agricultural loans was a source of portfolio strength during the recent credit cycle downturn.

MetLife continues to maintain an above-average exposure to real estate related investments, although this exposure has been significantly reduced in recent years on an absolute basis and as a percentage of capital and surplus. As part of the company's plan to gradually reduce its exposure to equity real estate since 1992, sales have occurred on a number of properties, which have generated solid gains, reflecting the generally favorable real estate market conditions. Further, in 2001 the company affected an intercompany sale of two undervalued real estate properties between MLIC and Metropolitan Insurance and Annuity Company (MIAC), which resulted in approximately $1.5 billion in realized capital gains for MetLife and gains on common stock of affiliates totaling $800 million. On a GAAP basis, these transactions were eliminated upon consolidation. The company also sold selected various targeted real estate properties in 2002 and reaped material capital gains from these undervalued assets, further evidence of the company's deep financial flexibility. In 2003, MetLife continued to evaluate its real estate portfolio and is embarking on a new strategy to invest in smaller commercial and residential properties, which will increase portfolio diversification and allow greater diversification and opportunistic selling of properties, thereby creating higher returns. It subsequently sold 11 Madison Avenue, California Plaza and other select properties for a material net gain. Additionally, in 2004, the most significant sale was the Sears Tower in Chicago, which delivered an after tax gain of approximately $90 million. In 2005, as part of the Travelers acquisition funding plan, and reflecting the strong NYC market, the company sold 200 Park Avenue and One Madison Avenue, its former iconic headquarters realizing after tax capital gains of $750 million and $420 million respectively.

Derivatives contracts, such as futures, swaps, caps, floors and options, are utilized to hedge or reduce risks associated with its invested assets, liabilities, portfolios of assets or liabilities or anticipated transactions. In addition, the company enters into replication derivative transactions. Given the strong asset/liability management practices of the company, A.M. Best believes that the company appropriately manages its exposure in this area. MLIC's notional amount of derivatives contracts outstanding is modest relative to its asset base.

MLIC has generated overall strong and consistent investment income and yields from its asset portfolio. The investment yield has been somewhat tempered by the lower interest rate environment impacting the yield of new and reinvested cash. With an improving economic climate, realized investment losses significantly declined. The company's unrealized loss position decreased during the same time period and the current balance represents primarily market driven losses rather than credit or economic losses. The anticipation of higher rates has caused MetLife to begin repositioning its various bond portfolios generating somewhat higher levels of realized losses that are anticipated to be offset by redeployment at higher rates. A.M. Best notes the Group's ability to generate significant and consistent investment returns in spite of fluctuating market conditions reflects favorably on the company's investment management expertise and quality and depth of its portfolio.

LIQUIDITY TESTS

Year	Operating Cash Flow ($000)	Quick Liquidity	Current Liquidity	Non-Inv Grade Bonds to Capital	Delnq & Foreclsd Mtg to Capital	Mtg & Cred Ten Lns & RE to Cap	Affil Invest to Capital
2001	9,939,624	39.5	49.6	100.8	0.9	315.7	82.4
2002	17,317,999	43.5	52.6	92.8	0.2	248.6	79.3
2003	17,209,861	45.1	54.2	86.9	0.3	248.1	124.3
2004	7,818,064	43.9	55.1	69.4	0.3	255.3	124.8
2005	1,306,233	41.5	50.7	74.9	0.2	276.2	110.9
03/2005	6,151,031	XX	XX	67.9	0.2	237.4	XX
03/2006	14,261,401	XX	XX	78.5	0.3	272.7	XX

INVESTMENT YIELDS

Year	Net Yield	Bonds	Stocks	Mort-gages	Cash & Short Term	Real Estate Gross	Real Estate Net	Invest. Exp. Ratio
2001	7.37	7.53	2.78	7.86	5.24	22.07	8.48	11.36
2002	6.72	7.06	4.45	7.62	4.57	20.86	9.46	11.35
2003	5.77	5.90	1.39	7.38	3.61	18.50	9.03	10.65
2004	5.62	5.57	2.22	7.16	1.94	17.41	8.21	9.47
2005	5.69	5.90	3.51	6.99	4.34	16.08	7.83	12.69

INVESTMENT DATA

Current Year Distribution of Bonds By Maturity

	Years 0-1	1-5	5-10	10-20	20-	Yrs-Avg Maturity
Government	0.6	3.0	4.1	1.1	3.6	12
Gov't Agencies & Muni	1.1	2.9	2.7	6.2	7.3	15
Public Utilities	0.4	1.1	1.0	0.9	2.0	14
Industrial & Misc	5.7	17.9	17.0	5.2	9.3	9
Affiliated	0.4	0.3	0.4	...	5.8	22
Total	8.2	25.2	25.2	13.4	28.0	12

	2005	2004	2003	2002	2001
Bonds (000)	124,181,675	126,185,373	121,526,988	104,314,151	83,669,715
US Government	10.6	7.9	9.0	14.1	11.7
Foreign Government	1.8	1.8	2.0	2.2	2.6
Foreign - All Other	10.7	10.4	8.9	9.9	12.2
State/Special Revenue - US	20.0	19.3	21.9	16.7	15.7
Public Utilities - US	5.1	5.5	5.7	4.2	5.4
Industrial & Misc - US	44.7	46.8	45.5	48.1	48.5
Credit Tenant Lns - US	...	0.3	0.4	0.5	0.5
Affiliated	7.0	8.0	6.6	4.3	3.3
Private Issues	15.4	19.5	14.1	16.1	19.7
Public Issues	84.6	80.5	85.9	83.9	80.3

Bond Quality (%)	2005	2004	2003	2002	2001
Class 1	72.1	70.0	68.5	65.9	59.1
Class 2	20.3	22.9	23.2	23.8	30.2
Class 3	4.4	4.4	4.8	6.4	6.6
Class 4	2.9	2.4	2.9	3.0	3.3
Class 5	0.2	0.3	0.4	0.6	0.6
Class 6	0.0	0.1	0.2	0.3	0.2

	2005	2004	2003	2002	2001
Mortgages (000)	31,380,717	29,623,663	25,729,723	24,619,496	22,953,062
Commercial	80.2	81.1	80.0	79.6	77.5
Residential	0.0	0.0	0.0	0.0	0.0
Farm	19.8	18.9	20.0	20.4	22.5

Mortgage Quality (%)	2005	2004	2003	2002	2001
90 Days Delinquent	0.1	0.0	0.1	0.0	0.1
In Process of Foreclosure	0.0	0.1	0.0	0.0	0.1
Total Delinquencies	0.1	0.1	0.1	0.1	0.2

	2005	2004	2003	2002	2001
Real Estate (000)	3,665,994	3,315,114	3,245,193	3,999,616	5,078,624
Property Occupied by Co	7.5	6.5	7.0	6.6	8.2
Property Held for Inc	92.5	86.9	90.2	88.0	91.0
Property Held for Sale	0.0	6.6	2.8	5.4	0.8

	2005	2004	2003	2002	2001
Stocks (000)	4,197,344	4,428,176	4,906,275	5,115,538	7,553,619
Unaffiliated Common	39.9	31.0	15.7	16.9	32.5
Affiliated Common	10.5	13.9	31.4	54.3	45.9
Unaffiliated Preferred	5.6	8.7	14.2	15.4	11.5
Affiliated Preferred	43.9	46.3	38.7	13.4	10.0

	2005	2004	2003	2002	2001
Other Inv Assets (000)	14,768,206	13,749,466	12,737,120	10,084,321	11,336,928
Cash	7.2	10.3	11.1	1.4	19.0
Short-Term	3.5	6.3	15.0	17.2	14.6
Schedule BA Assets	45.6	40.1	26.3	27.2	19.6
All Other	43.8	43.4	47.6	54.2	46.8

HISTORY

Date Incorporated: 03/24/1868
Domicile: NY

Date Commenced: 03/25/1868

The Group periodically re-stacks its organization to promote operating efficiencies, financial flexibility and improve dividend capacity through its entities. In October 2003, MetLife, Inc. completed another re-stacking transaction to increase capital efficiency and flexibility between the parent MetLife, Inc., and its subsidiaries. This restacking plan resulted in the following intercompany transactions: MLIC sold Metropolitan Property and Casualty Insurance Company, Metropolitan Tower Life Insurance Company and two non-insurance subsidiaries to MetLife, Inc., the parent holding company. In addition, Security Equity Life Insurance Company and MetLife Security Insurance Company of LA were merged into the parent MetLife, Inc.. In 2002, MetLife, Inc.'s restacking plan resulted in the following intercompany transactions; MetLife, Inc. contributed MetLife Iberia, its Spanish subsidiary, to MetLife International Holdings, Inc. (MIH); MetLife, Inc. acquired Security Equity Life Insurance Company (Security Equity) and Cova Corporation (Cova) from General American Life Insurance Company (GenAm); MLIC contributed its subsidiary, Texas Life Insurance Company, to Cova; and MetLife sold MIH, Cova, MetLife Investors Group, Inc. and various foreign subsidiaries to MetLife, Inc., the parent holding company. GenAm also sold Missouri Reinsurance (Barbados), Inc. to MetLife and Walnut Street Securities to MetLife, Inc. In that same year, MetLife Group, Inc., a new subsidiary of MetLife, Inc., was created as an employee services company that supports all of the enterprise's personnel needs.

Mergers: Paragon Life Insurance Company, Missouri, 2006.

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Curtis H. Barnette, Burton A. Dole, Jr., Cheryl W. Grise, C. Robert Henrikson, James R. Houghton, Harry P. Kamen, Helene L. Kaplan, John M. Keane, James M. Kilts, Charles M. Leighton, Sylvia M. Mathews, Hugh B. Price, Kenton J. Sicchitano, William C. Steere, Jr.

REINSURANCE

The company reinsures up to 90% of the mortality risk of certain blocks of life insurance. For more recent individual life blocks, the company reinsures certain corridors of mortality risk in excess of $1 million per life. The company's maximum net retention on any one life is $25,000,000. In addition to reinsuring mortality risk, the company reinsures other risks and specific coverages.

The company cedes reinsurance to a diversified array of affiliated and nonaffiliated reinsurers. Placement of reinsurance is done primarily on an automatic basis and also on a facultative basis for risks of specific characteristics. Reinsurance is primarily on a coinsurance, yearly renewable term, and modified coinsurance basis. The company also assumes a significant amount of insurance from affiliates as well as a few blocks from non-affiliates.

REGULATORY

An examination of the financial condition is being made as of December 31, 2003 by the Insurance Department of New York. The 2005 annual independent audit of the company was conducted by Deloitte & Touche, LLP. The annual statement of actuarial opinion is provided by Patrick D. Studley, Vice President and Senior Actuary.

Territory: The company is licensed in the District of Columbia, Puerto Rico, U.S. Virgin Islands and all states. It is also licensed in all Canadian provinces and territories. It is also permitted to solicit life insurance among certain military personnel and their dependents and certain other United States and Canadian citizens overseas.

Reserve basis: (Current ordinary business): 1980 CSO 3% to 5.0% for policies which are valued on either the Net Level Premium Plan, CRVM or GCV valuation. (Current group annuity business): GAR94 and 1983 GAM 4.75% to 6.25%; CARVM. (Current individual annuity business): Annuity 2000 and 1983 Table a 4.75% to 6.25%; CARVM.

FINANCIAL INFORMATION

BALANCE SHEET - December 31, 2005
(in thousands of dollars)

Assets		Liabilities	
*Total bonds	124,181,675	+Net policy reserves	114,068,270
*Total preferred stocks	2,081,168	Policy claims	2,200,482
*Total common stocks	2,116,176	Deposit type contracts	28,093,922
Mortgage loans	31,380,717	Interest maint reserve	560,151
Real estate	3,665,994	Comm taxes expenses	1,485,089
Contract loans	5,440,030	Asset val reserve	2,809,134
Cash & short-term inv	1,571,843	Contingency reserve	1,240,002
Other invested assets	6,727,061	Other liabilities	27,225,918
Prems and consids due	1,487,983		
Accrued invest income	1,715,911	Tot liab w/o sep accts	177,682,968
Other assets	5,923,359	Separate account bus	64,033,411
		Total Liabilities	241,716,379
Tot assets w/o sep accts	186,291,918	Common stock	4,945
Separate account bus	64,063,764	Surplus notes	1,397,830
		Paid in & contrib surpl	5,373,823
		Special surplus funds	363,660
		Unassigned surplus	1,499,044
Assets	250,355,681	Total	250,355,681

*Securities are reported on the bases prescribed by the National Association of Insurance Commissioners. + Analysis of reserves; Life $51,137,987; annuities $54,271,629; supplementary contracts with life contingencies $1,288,629; accidental death benefits $62,314; disability active lives $276,836; disability disabled lives $307,977; miscellaneous reserves $591,066; accident & health $6,131,831.

SUMMARY OF OPERATIONS
(in thousands of dollars)

Premiums:		Death benefits	5,926,342
Ordinary life	4,117,055	Matured endowments	16,993
Individual annuities	3,478,638	Annuity benefits	3,587,698
Group life	6,435,377	Disability benefits	27,384
Group annuities	9,916,689	Surrender benefits	11,030,155
Acc & health group	3,594,755	Group conversion	3,286
Acc & health other	474,933	Acc & health benefits	2,528,876
Industrial	52,129	Int on policy funds	922,202
Misc premiums	-1,734,272	Supplementary contracts	177,720
Total premiums	26,335,305	Incr life reserves	3,020,220
Supplementary contracts	124,567	Incr a & h reserves	646,333
Net investment income	9,878,570	Change in reserves	33,223
Amort interest maint res	11,477	Commissions	656,156
Net gain from sep acct	6,844	Comm exp reins assumed	41,385
Comm & exp reins ceded	426,636	Insur taxes lic & fees	351,102
Res adj on reins ceded	-2,430,056	General ins expenses	2,603,710
Other income	729,513	Net transf to sep acct	1,368,037
		Misc operating expense	12,165
		Other disbursements	5
Total	35,082,857	Total	32,952,991

Gain from operations before FIT & div to policyholders	2,129,865
Dividends to policyholders: life	180,369
Dividends to policyholders: accident & health	-383
Gains from operations after dividends to policyholders	1,949,879
Federal income taxes incurred	608,284
Net gain from operations after FIT and dividends	1,341,594

CASH FLOW ANALYSIS
(in thousands of dollars)

Funds Provided		Funds Applied	
Gross cash from oper	36,446,297	Benefits paid	25,868,118
Long-term bond proceeds	103,301,182	Comm, taxes, expenses	3,656,391
Other invest proceeds	12,843,767	Long-term bonds acquired	102,832,255
Other cash provided	3,977,397	Other cash applied	24,917,305
Decr cash & short-term	705,427		
Total	157,274,069	Total	157,274,069

INTERIM BALANCE SHEET
(in thousands of dollars)

Assets	03/31/2006		
Total bonds	137,906,604	...	...
Total preferred stocks	2,152,072	...	...
Total common stocks	2,307,769	...	...
Mortgage loans	31,630,224	...	...
Real estate	3,681,899	...	...
Contract loans	5,422,716	...	...
Cash & short-term inv	1,722,846	...	...
Other invested assets	6,880,184	...	...
Accrued invest income	1,928,366	...	...
Other assets	7,628,050	...	...
Tot assets w/o sep accts	201,260,730		
Separate account bus	66,193,880	...	...
Assets	267,454,611		

Liabilities	03/31/2006		
Net policy reserves	114,361,104	...	...
Liab for deposit-type contracts	30,089,132	...	...
Policy claims	2,387,749	...	...
Interest maint reserve	442,361	...	...
Comm taxes expenses	1,348,999	...	...
Asset val reserve	2,568,830	...	...
Contingency reserve	1,037,521	...	...
Other liabilities	39,715,152	...	...
Tot liab w/o sep funds	191,950,847		

Separate account bus	66,161,092	...	...
Total liabilities	258,111,940		
Common stock	4,945	...	...
Surplus notes	1,397,830	...	...
Paid in & contrib surpl	5,373,823	...	...
Special surplus funds	348,373	...	...
Unassigned surplus	2,217,701	...	...
Total	267,454,611		

INTERIM SUMMARY OF OPERATIONS

	Period Ended 3/31/2006	Period Ended 3/31/2005	Increase/ (Decrease)
Prems & ann consid	6,957,692	6,444,285	513,407
Total premiums	6,957,692	6,444,285	513,407
Supplementary contracts	31,521	32,530	-1,010
Net investment income	2,474,908	2,375,833	99,076
Amort interest main res	-3,661	5,193	-8,855
Net gain from sep acct	13	5,748	-5,734
Comm & exp reins ceded	90,253	102,163	-11,910
Res adj on reins ceded	-602,215	-509,396	-92,820
Other income	184,200	141,928	42,272
Total	9,132,710	8,598,284	534,427
Death benefits	1,716,863	1,497,235	219,629
Matured endowments	4,663	4,270	393
Annuity benefits	919,114	895,823	23,292
Surrender benefits	3,031,420	2,778,630	252,791
Disability and A&H ben	699,778	637,337	62,441
Group conversions	-64	459	-523
Int on policy funds	312,118	186,565	125,553
Supplementary contracts	44,932	43,668	1,264
Change in reserves	620,723	1,271,766	-651,043
Commissions	162,336	151,198	11,138
Comm exp reins assumed	6,923	12,854	-5,931
Insur taxes lic & fees	106,956	87,520	19,436
General ins expenses	608,435	568,609	39,826
Net transf to sep acct	476,038	-143,437	619,475
Other disbursements	-9,440	1,847	-11,287
Total	8,700,796	7,994,343	706,453
Gain from operations before FIT & div to policyholders	431,914	603,941	-172,027
Dividends to policyholders	1,630	52,295	-50,665

Gain from operations after dividends to policyholders	430,284	551,646	-121,362
Federal income taxes incurred	-19,234	-18,757	-477
Net gain from operations after FIT and dividends	449,518	570,403	-120,885

SEPARATE ACCOUNT DATA

	2005	2004	2003	2002	2001
Sep Acct Assets	64,063,764	59,874,394	53,914,032	46,311,329	49,740,095
% Growth	7.0	11.1	16.4	-6.9	-11.0
S/A Assets/Adm Assets	25.6	24.5	23.5	23.0	26.8
Sep Acct Reserves	58,867,740	54,759,753	49,865,538	42,959,124	46,926,568
% Ordinary Life	5.5	5.3	5.1	4.4	4.3
% Individual Annuities	22.0	20.6	19.0	16.8	20.0
% Group Annuities	59.7	61.3	62.9	65.9	64.5
% Group Life	12.7	12.7	13.0	13.0	11.2
Deposit Type Liabilities	13,671	13,011	...	...	...
Other Liabilities	5,152,000	5,053,474	3,932,643	3,245,716	2,626,533
Sep Acct Surplus	30,352	48,156	115,852	106,489	186,994
S/A Prems & Deposits	9,223,756	6,970,044	6,578,885	10,360,398	-3,276,101
% Ordinary Life	5.8	8.0	7.7	5.2	-16.0
% Individual Annuities	15.8	19.0	11.8	35.2	2.7
% Group Annuities	65.0	60.7	64.6	48.2	157.9
% Group Life	9.7	7.6	11.4	9.7	-41.5
% Other	3.6	4.8	4.4	1.6	-3.1
Sep Acct Fees & Charges	466,701	420,129	329,878	332,833	122,292
% Ordinary Life	12.5	13.2	15.9	16.9	86.2
% Individual Annuities	35.0	32.3	31.4	32.0	96.1
% Group Annuities	30.8	32.4	36.5	38.0	-79.9
% Group Life	7.1	7.6	8.1	5.9	-18.0
% Other	14.5	14.4	8.0	7.2	15.7
Fees & Chgs to Assets	0.8	0.7	0.7	0.7	0.2
Sep Acct Ben & Wdrwls	8,267,575	6,242,232	6,174,068	885,926	617,289
% Ordinary Life	1.6	3.0	1.3	7.1	28.1
% Individual Annuities	13.8	15.6	12.4	25.4	38.1
% Group Annuities	76.5	72.5	75.8	54.6	-22.5
% Group Life	7.1	7.3	8.9	12.9	56.3
% Other	1.0	1.5	1.5	...	...
Ben & Wdrwl to Assets	13.3	11.0	12.3	1.8	1.2

ORDINARY LIFE STATISTICS

Year	Ord. Lapse Ratio %	Average Ord. Policy (in dollars) Issued	In Force	Avg. Prem ($/M)	1st Yr Prem / Total Prem	1st Yr Comm / 1st Yr Prem	Gen. Exp. / Policies In Force
2001	6.5	202,385	47,983	12.50	8.8	27.0	98.39
2002	6.0	216,679	50,632	12.13	6.7	34.9	90.72
2003	6.0	242,943	53,309	11.73	6.2	28.0	102.03
2004	6.0	280,218	56,904	11.42	7.1	26.1	109.74
2005	5.2	293,962	62,147	10.80	8.1	28.5	108.87

Year	# Policies Issued (000)	# Policies in Force (000)	First Year Premium (000)	Gen'l Exp/ Reserves (%)	Return on Reserves (%)
2001	162	8,418	440,934	1.96	0.96
2002	149	8,111	331,704	1.69	0.54
2003	128	7,795	299,037	1.79	0.21
2004	131	7,403	341,436	1.81	0.29
2005	123	7,140	386,436	1.69	-0.53

Note: Ordinary excludes monthly debit ordinary accounts.

INDIVIDUAL ANNUITY STATISTICS

Year	NPW & Dep (000)	Res & Dep Liab (000)	Exp to Res & Dep Liab (%)*	Comm & Exp to NPW & Dep (%)	Benefits & Wdrwls to NPW & Dep (%)	Benefits & Wdrwls to Res & Dep Liab (%)*
2001	8,215,619	30,492,457	0.9	5.2	36.1	9.2
2002	10,085,493	31,309,701	0.8	5.3	28.7	8.7
2003	13,148,699	36,084,663	0.8	5.7	22.5	7.7
2004	13,588,393	40,029,155	0.9	6.3	26.2	8.5
2005	9,400,074	41,971,560	0.9	5.7	37.7	8.2

* Includes Separate Account reserves.

GROUP ANNUITY STATISTICS

Year	NPW & Dep (000)	Res & Dep Liab (000)	Exp to Res & Dep Liab (%)*	Comm & Exp to NPW & Dep (%)	Benefits & Wdrwls to NPW & Dep (%)	Benefits & Wdrwls to Res & Dep Liab (%)*
2001	9,470,158	65,941,745	0.7	5.5	148.0	21.3
2002	10,238,334	65,464,275	0.4	2.6	97.9	15.3
2003	12,615,046	73,370,879	0.5	3.0	74.0	12.7
2004	12,896,591	80,567,107	0.3	2.6	74.2	11.9
2005	14,379,461	86,733,045	0.3	2.6	79.1	13.1

* Includes Separate Account reserves.

TOTAL ANNUITY ACTUARIAL RESERVES AND DEPOSIT TYPE LIABILITIES BY WITHDRAWAL CHARACTERISTICS

Year	Total Annuity Res & Dep Liab (000)	Min or No Surrender Charge (%)*	With Surrender Charge 5% or more (%)*	With MVA (%)*	No Surrender Allowed (%)*
2001	85,254,746	51.4	1.4	8.3	38.9
2002	99,619,130	48.3	1.4	8.3	42.0
2003	112,336,250	51.9	0.8	9.1	38.1
2004	123,403,968	43.4	2.3	9.8	44.5
2005	131,527,605	42.2	2.1	9.9	45.8

* Includes Separate Account reserves.

NEW LIFE BUSINESS ISSUED
(in thousands of dollars)

Year	Whole Life & Endow	Term	Credit	Group	Indus-trial	Total Insurance Issued	Non-Par (%)	Par (%)
2000	19,032,803	12,209,942	...	115,646,839	...	146,889,584	19	81
2001	17,165,090	15,560,572	...	139,420,777	...	172,146,439	16	84
2002	15,312,802	16,981,326	...	142,969,002	...	175,263,130	15	85
2003	12,122,610	18,947,316	...	136,183,843	...	167,253,769	16	84
2004	13,356,653	23,315,216	...	136,369,952	...	173,041,821	18	82
2005	13,463,782	22,568,902	...	141,070,733	...	177,103,417	18	82

LIFE INSURANCE IN FORCE
(in thousands of dollars)

Year	Whole Life Endow & Adds	Term	Credit	Group	Industrial	Total Insurance In Force
2000	279,764,391	117,937,604	...	1,337,696,407	3,288,921	1,738,687,323
2001	283,629,306	120,297,916	...	1,464,762,917	3,212,213	1,871,902,352
2002	284,882,998	125,767,976	...	1,540,829,146	3,138,841	1,954,618,961
2003	279,228,427	136,344,577	...	1,687,029,865	3,061,719	2,105,664,588
2004	274,944,039	146,310,216	...	1,856,877,136	2,979,492	2,281,110,883
2005	280,637,544	163,075,117	...	2,097,405,771	2,896,285	2,544,014,717

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is: Barger & Wolen LLP, 633 West Fifth Street, 47th Floor, Los Angeles, California 90071-2043.

On **September 20, 2007**, I served the foregoing document(s) described as **NOTICE OF REMOVAL; DECLARATION OF MICHAEL A.S. NEWMAN** on the interested parties in this action by placing [ ] the original [X] a true copy thereof enclosed in sealed envelope addressed as stated in the attached mailing list.

Charles B. Perkins **Flynn, Rose & Perkins** **59 North Santa Cruz Avenue, Suite Q** **Los Gatos, California 95030** **Telephone No.: (408) 399-4566** **Facsimile No.: (408) 399-6683** **E-mail: cbperk@earthlink.net**	**Counsel for Plaintiff** **LADONNA GEDECKE**

[X] **BY MAIL**

[X] I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. Postal Service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postage cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

[ ] **BY PERSONAL SERVICE**

[ ] I caused such envelope to be delivered to a commercial messenger service with instructions to personally deliver same to the offices of the addressee on this date.

[ ] **BY FACSIMILE**

[ ] By transmitting an accurate copy via facsimile to the person and telephone number as follows: **Charles B. Perkins (Fax No. 408-399-6683)**

[X] **(FEDERAL)** I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made. Executed at Los Angeles, California on **September 20, 2007.**

MELANIE A. TAVERA
(Name)

Melanie Tavera
(Signature)

BARGER & WOLEN LLP
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